

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES of AMERICA,)
)
Plaintiff,) 8:04CR21
)
v.) MEMORANDUM AND ORDER
)
OLUWASEUM DAVID OLUYOLE,)
)
Defendant.)

This matter is before the court on defendant's Motion for Reconsideration (Filing No. 55) and Motion for Appointment of Counsel (Filing No. 56).

Defendant asks the court to reconsider its Memorandum and Order (Filing No. 53) and Judgment (Filing No. 54) denying his § 2255 motion. Defendant challenges this court's order arguing that the court failed to address defendant's argument that he never made a claim that he was a U.S. citizen, he only made a claim that he was a U.S. citizen or national. However, this argument does not support vacating defendant's conviction. As was discussed in filing no. 53, defendant was charged with violating 18 U.S.C. § 1015(e) which states in relevant part that:

[w]hoever knowingly makes any false statement or claim that he is, or at any time has been, a citizen or national of the United States . . . with the intent to engage in employment unlawfully in the United States . . . shall be fined under this title or imprisoned not more than five years.

Defendant acknowledges in both his original § 2255 motion and his motion for reconsideration that "defendant made a claim to U.S. Citizenship or National, no more, no less." Therefore, because defendant's Motion for Reconsideration does not raise facts or

legal arguments which would cause me to reconsider the judgment entered in favor of the government and against defendant, his motion is denied.

IT IS ORDERED:

1. Defendant's Motion for Reconsideration (Filing No. 55) is denied.
2. Defendant's Motion for Appointment of Counsel (Filing No. 56) is denied as moot.
3. The Clerk of Court is directed to send a copy of this Memorandum and Order to defendant at his last known address.

DATED this 18th day of October, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge